

SUMTER COUNTY ORDINANCE NO. 2023-

AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 17 MOTOR VEHICLES AND TRAFFIC, ARTICLE II STOPPING, STANDING AND PARKING, DIVISION I. GENERALLY; PROVIDING FOR A MAXIMUM TOWING RATE; PROVIDING FOR CONFLICTS AND SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, grant Sumter County Board of County Commissioners broad home rule authority to adopt ordinances to provide for health, safety and welfare of the general public; and,

WHEREAS, the Board of County Commissioners of Sumter County adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

WHEREAS, Section 125.0103, Florida Statutes, provides for the establishment, by local ordinance, of a maximum rate that may be charged for the towing of vehicles or vessels under specific circumstances; and,

WHEREAS, the Board of County Commissioners of Sumter County, after the appropriate publication of notice of its intention to amend its code enforcement regulations through adoption of this Ordinance, and after having a public hearing on the amendments, determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION 1. PURPOSE AND INTENT.

This Ordinance seeks to amend Chapter 17 Motor Vehicles, Article II Stopping, Standing and Parking, Division 1. Generally, to establish, include and set the maximum rates that may be charged for the removal, towing and storage of vehicles per said towing services as required and stated in F.S. Section 125.013 (b) and (c), and said language is incorporated herein by reference. The legislative findings in support of the purpose and intent of this Ordinance are contained in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, and Chapter 163, Florida Statutes the Board of County Commissioners of Sumter County Board has all powers of local self-government to

perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances, and to establish code enforcement procedures.

SECTION 3. AMENDING CHAPTER 17 MOTOR VEHICLES AND TRAFFIC, ARTICLE II STOPPING, STANDING AND PARKING, DIVISION 1. GENERALLY; TO ADD SECTION 17-20 MAXIMUM TOWING RATES AND RELATED FEES.

Section 17-20. Maximum towing rates and related fees.

- A. Sumter County does hereby adopt the maximum towing and storage rates established by the Florida Highway Patrol Troop whose service area includes Sumter County, Florida, as may be modified from time to time, as the maximum fees to be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of a wrecker service to a law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle.
- B. It shall be a violation of this section for an unauthorized wrecker operator to charge fees for removal and storage in excess of established rates as contemplated herein.

SECTION 4. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. CODIFICATION

It is the intention of the Board of County Commissioners of Sumter County, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6, and 7. The word "Ordinance," or similar words may be changed to "section,"

“article,” or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

SECTION 7. EFFECTIVE DATE.

Once adopted by the Board of County Commissioners of Sumter County, this Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED at a duly called session of the Sumter County Board of County Commissioners, this 25th day of April 2023.

**GLORIA HAYWARD
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,
SUMTER COUNTY, FLORIDA**

ATTEST:

Deputy Clerk

BY: _____
Craig A. Estep
Chairman

Approved as to form for the reliance of
the Sumter County Board of County
Commissioners, only:

Jennifer C. Rey, Esq.
The Hogan Law Firm, County Attorney